

## 2401.603

### 2401.603 Selection, appointment and termination of appointment.

#### 2401.603-2 Selection.

(a) In selecting Contracting Officers, appointing authorities shall consider the experience, education, training, business acumen, judgment, character, reputation, and ethics of the individual to be appointed. Appointing authorities shall also consider the size and complexity of contracts the individual will be required to execute or administer, and any other limitations on the scope of the authority to be exercised.

(b) Individuals appointed to a position having Contracting Officer authority, and whose primary duties are performed as a Contracting Officer, other than contracting authority limited to simplified acquisition procedures, shall meet the following requirements:

(1) The education and specialized experience commensurate with the grade of the appointee as set forth in the qualification standards for the GS-1102 occupational series developed by the Office of Federal Procurement Policy under the authority of 41 U.S.C. 433, and two years of experience performing contracting, procurement, or purchasing operations in a government or commercial procurement office. Alternatively, where appointment of a Contracting Officer involves a specialized procurement field, experience in that field may be considered as a criterion for appointment.

(2) Successful completion of contracting-related training as prescribed by the Senior Procurement Executive.

(c) The Senior Procurement Executive may waive education and specialized experience requirements as provided for in the qualification standards developed by the Office of Federal Procurement Policy under the authority of 41 U.S.C. 433.

[71 FR 2434, Jan. 13, 2006]

#### 2401.603-3 Appointment.

(a) Appointments to officials not expressly delegated procurement authority by a published departmental delegation of authority shall be made in writing by the Head of the Contracting Activity. The Certificate of Appointment (SF 1402) shall constitute the appointing official's determination that

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the appointee meets the selection requirements set forth at 2401.603-2.

[64 FR 46094, Aug. 23, 1999]

## PART 2402—DEFINITIONS OF WORDS AND TERMS

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2402.000 Scope of part.

### Subpart 2402.1—Definitions

2402.101 Definitions.

AUTHORITY: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

#### 2402.000 Scope of part.

This part contains definitions of terms used generally throughout the HUDAR, in addition to those set forth in FAR part 2. Additional definitions will be found in individual subparts of the FAR and HUDAR covering terms used in those subparts only.

[49 FR 7699, Mar. 1, 1984]

### Subpart 2402.1—Definitions

#### 2402.101 Definitions.

*Accounting Office* means the Office of Accounting Operations within the Office of the Chief Financial Officer and includes that Office's field components.

*Chief Procurement Officer* means the HUD official having authority for all of the Department's procurement activities.

*Department* means the Department of Housing and Urban Development, which may also be designated as HUD.

*Government Technical Monitor (GTM)* means the individual responsible for assisting a Government Technical Representative in the latter's performance of his/her duties.

*Government Technical Representative (GTR)* means the individual serving as the Contracting Officer's representative responsible for monitoring the technical aspects of a contract, including guidance, oversight, and evaluation of the Contractor's performance and deliverables.

*Head of Contracting Activity (HCA)* is defined in accordance with FAR subpart 2.1. The following HUD officials are designated as HCAs:

## Department of Housing and Urban Development

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(1) The Chief Procurement Officer, for HUD Headquarters procurements. The Chief Procurement Officer may delegate this authority to the Deputy Chief Procurement Officer; and

(2) The Directors, Field Contracting Operations, for procurements on behalf of their field-based requiring activities.

*Legal Counsel* means the Office of General Counsel in Headquarters, or the cognizant Assistant General Counsel in the field.

*Primary Organization Heads* are those officials of the Department who are responsible for the major organizational components of HUD and who report directly to the Secretary or Deputy Secretary. The Primary Organization Heads of HUD include the Assistant Secretaries and equivalent Departmental management (e.g., President, GNMA, Inspector General, General Counsel, Chief Procurement Officer, etc.).

*Secretary* means the Secretary of the Department of Housing and Urban Development, or his or her designee.

*Senior Procurement Executive* means the Chief Procurement Officer.

[64 FR 46094, Aug. 23, 1999, as amended at 71 FR 2435, Jan. 13, 2006]

## PART 2403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

### Subpart 2403.1—Safeguards

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2403.101 Standards of conduct.

### Subpart 2403.2—Contractor Gratuities to Government Personnel

2403.203 Reporting procedures.

2403.204 Treatment of violations.

### Subpart 2403.3—Reports of Suspected Antitrust Violations

2403.303–70 Reporting requirements.

### Subpart 2403.4—Contingent Fees

2403.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

### Subpart 2403.5—Other Improper Business Practices

2403.502–70 Subcontractor kickbacks.

### Subpart 2403.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

2403.602 Policy.

2403.670 Solicitation provision and contract clause.

AUTHORITY: 42 U.S.C. 3535(d).

SOURCE: 49 FR 7700, Mar. 1, 1984, unless otherwise noted.

### Subpart 2403.1—Safeguards

#### 2403.101 Standards of conduct.

Detailed rules which apply to the conduct of HUD employees are set forth in 5 CFR part 2635 and 5 CFR part 7501.

[64 FR 46095, Aug. 23, 1999]

### Subpart 2403.2—Contractor Gratuities to Government Personnel

#### 2403.203 Reporting procedures.

Suspected violations of the gratuities clause (FAR 52.203–3) shall be reported to the Head of the Contracting Activity (HCA) in writing. The HCA will request the Office of Inspector General (OIG) to conduct any necessary investigation. Upon receipt of the OIG report, the HCA will evaluate the circumstances to determine if a violation has occurred. The HCA will refer violations and recommended corrective actions to the Senior Procurement Executive for disposition.

[49 FR 7700, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]

#### 2403.204 Treatment of violations.

The Senior Procurement Executive will process violations in accordance with FAR 3.204.

[49 FR 7700, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]